

**EXHIBIT A**

**Basis supporting documentation for asserting a claim against the Employees Retirement System of the Government to the Commonwealth of Puerto Rico**

Exhibit # A

OPF\_HIST

SISTEMAS DE RETIRO DE EMPLEADOS E.L.A.

Sistema de Control de Remesas  
HISTORICO DE NOMINAS

28-05-2019

09:31:13 AM

Página: 1

redacted 5996 MARIA M FRANCO SOTO

REMESA	AGENCIA	TIPO	SALARIO	PATRONAL	INDIVIDUAL	PREST. PER.	PREST. HIP.	PREST. PVC.	PREST. PPH.	DESC. SNC.	SEG INC	SEG INC OP
2019 4	171 DEPARTAMENTO EDUCACION (NO DOCENTE	I	9,146.00	0.00	777.42	0.00	0.00	0.00	0.00	0.00	12.50	0.00
2019 3	171 DEPARTAMENTO EDUCACION (NO DOCENTE	I	9,146.00	0.00	777.42	0.00	0.00	0.00	0.00	0.00	12.50	0.00
2019 2	171 DEPARTAMENTO EDUCACION (NO DOCENTE	I	9,146.00	0.00	777.42	0.00	0.00	0.00	0.00	0.00	12.50	0.00
2019 1	171 DEPARTAMENTO EDUCACION (NO DOCENTE	I	9,146.00	0.00	777.42	0.00	0.00	0.00	0.00	0.00	12.50	0.00
2018 12	171 DEPARTAMENTO EDUCACION (NO DOCENTE	I	9,146.00	0.00	777.42	0.00	0.00	0.00	0.00	0.00	12.50	0.00
2018 11	171 DEPARTAMENTO EDUCACION (NO DOCENTE	I	9,146.00	0.00	777.42	0.00	0.00	0.00	0.00	0.00	12.50	0.00
2018 10	171 DEPARTAMENTO EDUCACION (NO DOCENTE	I	9,146.00	0.00	777.42	0.00	0.00	0.00	0.00	0.00	12.50	0.00
2018 9	171 DEPARTAMENTO EDUCACION (NO DOCENTE	I	9,990.25	0.00	849.18	0.00	0.00	0.00	0.00	0.00	12.50	0.00
2014 10	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	597.33	450.00	264.80	0.00	0.00	0.00	0.00	11.26	0.00
2014 9	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	597.33	450.00	264.80	0.00	0.00	0.00	0.00	5.72	0.00
2014 8	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	597.33	450.00	264.80	0.00	0.00	0.00	0.00	11.26	0.00
2014 7	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	597.38	450.00	264.80	0.00	0.00	0.00	0.00	11.26	0.00
2014 6	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	552.38	450.00	264.80	0.00	0.00	0.00	0.00	11.26	0.00
2014 5	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	552.38	450.00	264.80	0.00	0.00	0.00	0.00	11.26	0.00
2014 4	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	552.38	450.00	264.80	0.00	0.00	0.00	0.00	11.26	0.00
2014 3	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	552.38	450.00	264.80	0.00	0.00	0.00	0.00	11.26	0.00
2014 2	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	552.38	450.00	264.80	0.00	0.00	0.00	0.00	11.26	0.00

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SISTEMAS DE RETIRO DE EMPLEADOS E.L.A.

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Página: 2

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REMESA	AGENCIA	TIPO	SALARIO	PATRONAL	INDIVIDUAL	PREST. PER.	PREST. HIP.	PREST. PVC.	PREST. PPH.	DESC. SNC.	SEG INC	SEG INC OP
2014 1	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	552.38	450.00	264.80	0.00	0.00	0.00	0.00	11.26	0.00
2013 12	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	552.38	450.00	264.80	0.00	0.00	0.00	0.00	11.26	0.00
2013 11	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	552.38	450.00	264.80	0.00	0.00	0.00	0.00	11.26	0.00
2013 10	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	552.38	450.00	264.80	0.00	0.00	0.00	0.00	11.26	0.00
2013 9	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	552.38	450.00	264.80	0.00	0.00	0.00	0.00	11.26	0.00
2013 8	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	552.38	450.00	264.80	0.00	0.00	0.00	0.00	11.28	0.00
2013 7	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	552.38	450.00	264.80	0.00	0.00	0.00	0.00	11.26	0.00
2013 6	217 CORPORACION DE LAS ARTES MUSICALES	I	5,503.95	620.58	455.46	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2013 5	217 CORPORACION DE LAS ARTES MUSICALES	I	3,496.05	394.18	289.30	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2013 4	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	507.38	372.38	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2013 3	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	507.38	372.38	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2013 2	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	507.38	372.38	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2013 1	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	507.38	372.38	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2012 12	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	507.38	372.38	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2012 11	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	507.38	372.38	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2012 10	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	507.38	372.38	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2012 9	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	507.38	372.38	264.80	0.00	0.00	0.00	0.00	0.00	0.00

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SISTEMAS DE RETIRO DE EMPLEADOS E.L.A.

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Página: 3

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REMESA	AGENCIA	TIPO	SALARIO	PATRONAL	INDIVIDUAL	PREST. PER.	PREST. HIP.	PREST. PVC.	PREST. PPH.	DESC. SNC.	SEG INC	SEG INC OP
2012 8	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	507.38	372.38	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2012 7	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	507.38	372.38	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2012 6	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	462.38	372.38	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2012 5	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	462.38	372.38	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2012 4	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	462.38	372.00	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2012 3	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	462.38	372.00	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2012 2	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	462.38	372.00	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2012 1	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	462.38	372.00	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2011 12	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	462.38	372.38	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2011 11	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	462.38	372.38	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2011 10	217 CORPORACION DE LAS ARTES MUSICALES	I	4,500.00	462.38	372.38	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2011 9	217 CORPORACION DE LAS ARTES MUSICALES	I	4,000.00	411.00	331.00	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2011 8	217 CORPORACION DE LAS ARTES MUSICALES	I	3,500.00	359.62	289.60	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2011 7	217 CORPORACION DE LAS ARTES MUSICALES	I	3,500.00	359.62	289.60	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2011 6	217 CORPORACION DE LAS ARTES MUSICALES	I	3,500.00	324.62	289.62	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2011 4	217 CORPORACION DE LAS ARTES MUSICALES	I	3,500.00	324.62	289.62	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2011 3	217 CORPORACION DE LAS ARTES MUSICALES	I	3,500.00	324.62	289.62	264.80	0.00	0.00	0.00	0.00	0.00	0.00

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Página: 4

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REMESA	AGENCIA	TIPO	SALARIO	PATRONAL	INDIVIDUAL	PREST. PER.	PREST. HIP.	PREST. PVC.	PREST. PPH.	DESC. SNC.	SEG INC	SEG INC OP
2011 2	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,846.00	263.96	235.50	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2011 2	217 CORPORACION DE LAS ARTES MUSICALES	I	3,500.00	324.62	289.62	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2011 1	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,846.00	263.96	235.50	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2010 12	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	1,423.00	131.98	117.75	132.40	0.00	0.00	0.00	0.00	0.00	0.00
2010 2	115 ADMINISTRACION SERVICIOS MEDICOS	A	-6,000.00	-556.50	-496.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2010 2	115 ADMINISTRACION SERVICIOS MEDICOS	I	6,000.00	556.50	496.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2010 1	115 ADMINISTRACION SERVICIOS MEDICOS	I	6,000.00	556.50	496.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2009 12	115 ADMINISTRACION SERVICIOS MEDICOS	I	6,000.00	556.50	496.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2009 11	115 ADMINISTRACION SERVICIOS MEDICOS	I	6,000.00	556.50	496.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2009 10	115 ADMINISTRACION SERVICIOS MEDICOS	I	5,492.31	509.41	454.49	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2009 10	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,746.00	254.70	227.24	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2009 9	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,746.00	254.70	227.24	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2009 8	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,746.00	254.70	227.24	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2009 7	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,746.00	254.70	227.24	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2009 6	-176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,746.00	254.70	227.24	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2009 5	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,746.00	254.70	227.24	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2009 4	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,746.00	254.70	227.24	264.80	0.00	0.00	0.00	0.00	0.00	0.00

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09:31:13 AM

Página: 5

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REMESA	AGENCIA	TIPO	SALARIO	PATRONAL	INDIVIDUAL	PREST. PER.	PREST. HIP.	PREST. PVC.	PREST. PPH.	DESC. SNC.	SEG INC	SEG INC OP
2009 3	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,746.00	254.70	227.24	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2009 2	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,746.00	254.70	227.24	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2009 1	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,746.00	254.70	227.24	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2008 12	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,746.00	254.70	227.24	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2008 11	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,746.00	254.70	227.24	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2008 10	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,746.00	254.70	227.24	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2008 9	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,746.00	254.70	227.24	264.80	0.00	0.00	0.00	0.00	0.00	0.00
2008 8	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,746.00	254.70	227.24	111.22	0.00	0.00	0.00	0.00	0.00	0.00
2008 7	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,596.00	240.78	214.82	111.22	0.00	0.00	0.00	0.00	0.00	0.00
2008 6	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,596.00	240.78	214.82	111.22	0.00	0.00	0.00	0.00	0.00	0.00
2008 5	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,596.00	240.78	214.82	111.22	0.00	0.00	0.00	0.00	0.00	0.00
2008 4	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,596.00	240.78	214.82	111.22	0.00	0.00	0.00	0.00	0.00	0.00
2008 3	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	3,075.26	285.23	254.47	111.22	0.00	0.00	0.00	0.00	0.00	0.00
2008 2	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,935.48	272.27	242.91	166.83	0.00	0.00	0.00	0.00	0.00	0.00
2007 12	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,596.00	240.78	214.82	111.22	0.00	0.00	0.00	0.00	0.00	0.00
2007 11	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,596.00	240.78	214.82	111.22	0.00	0.00	0.00	0.00	0.00	0.00
2007 10	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	2,596.00	240.78	214.82	111.22	0.00	0.00	0.00	0.00	0.00	0.00



















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SISTEMAS DE RETIRO DE EMPLEADOS E.L.A.

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28-05-2019

09:31:13 AM

Página: 14

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REMESA	AGENCIA	TIPO	SALARIO	PATRONAL	INDIVIDUAL	PREST. PER.	PREST. HIP.	PREST. PVC.	PREST. PPH.	DESC. SNC.	SEG INC	SEG INC OP
1995 12	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	1,288.00	0.00	106.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1995 11	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	1,288.00	0.00	106.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1995 10	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	1,288.00	0.00	106.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1995 9	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	1,288.00	0.00	106.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1995 8	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	1,248.00	0.00	103.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1995 7	176 DEPT. DEL TRABAJO Y RECURSOS HUMANO	I	1,328.00	0.00	109.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		227	626,447.33	49,929.18	53,258.71	17,410.65	0.00	0.00	0.00	0.00	274.64	0.00

Individual Payments to Retirement System  
Made in period of 1995 until 4/ 2019



Maria Franco Soto  
Nombre del Empleado  
xxx-xx-5996  
Directora de Recursos Humanos  
Ocupación

Cómputos de Reclamaciones

Wages OWED

Corporacion de las Artes Musicales  
Nombre del Patrono  
PO box 41227, SAN JUAN PR 00940-1227  
Dirección  
Número del Caso  
ley 184/8/17/Codigo Civil  
Decreto y/o Legislación aplicable

Periodo Cubierto	Concepto	Month Salary	%	Christmas Bunus	Salary Paid	Salary OWED	Total Amount
nov-2014/ nov-2015	wages	\$4,500.00		\$1,000.00	\$0.00	\$54,000.00	\$54,000.00
nov-2015/ nov-2016	wages	\$4,500.00		\$1,000.00	\$0.00	\$54,000.00	\$54,000.00
nov-2016/nov-2017	wages	\$4,500.00		\$600.00	\$0.00	\$54,000.00	\$54,000.00
nov-2017-nov-2018	wages	\$4,500.00		\$600.00	\$0.00	\$54,000.00	\$54,000.00
nov-2018-oct-2019	wages	\$4,500.00		\$0.00	\$0.00	\$49,500.00	\$49,500.00
				\$0.00		\$0.00	\$0.00
				\$0.00		\$0.00	\$0.00
				\$0.00		\$0.00	\$0.00
				\$0.00		\$0.00	\$0.00
					\$0.00	\$265,500.00	\$265,500.00

Comentarios: They owe me 60 days of vacation leave(\$13,857) and 75 days of sick leave (\$17,322) Total \$31,179 additional.

Employee: Maria Franco  
Fecha: 26-oct-19

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**MARÍA M. FRANCO-SOTO**

**Plaintiffs**

**v.**

**RAFAEL E. IRIZARRY CUEBAS, in his personal and official capacity as Executive Director of the Musical Arts Corporation of Puerto Rico; MICHEL J. GODREAU-ROBLES, in his personal and official capacity as President of the Board of Directors of the Musical Arts Corporation of Puerto Rico; MIGUEL RIVERA TRINIDAD, in his personal and official capacity as the President of Local 555 of the American Federation of Musicians; the MUSICAL ARTS CORPORATION OF PUERTO RICO; X, Y, and Z insurance companies with coverage for liability for any Defendant; and A, B, and C as yet unidentified persons responsible for civil rights violations against Plaintiffs.**

**Defendants**

**CASE NO.**

**CIVIL ACTION**

**CIVIL RIGHTS**

**JURY TRIAL REQUESTED**

**COMPLAINT**

**TO THE HONORABLE COURT:**

**NOW COME**, the Plaintiffs, through the undersigning counsel, and respectfully allege and pray as follows:

**I. INTRODUCTION**

1. Plaintiff in the present action was a public employee at the Musical Arts Corporation of Puerto Rico (hereinafter "CAM" for its initials in Spanish), who was grossly and personally discriminated against for her political believes by Defendants. Indeed, direct and specific evidence establishes that the sole and exclusive motive behind her dismissal was that she supported the New Progressive Party (hereinafter "the NPP"). Plaintiff was dismissed without previous notice or hearing and without being advised of any further review mechanism.

Plaintiff was promptly substituted with a political activist loyal to the Popular Democratic Party (hereinafter “the PDP”).

## **II. JURISDICTIONAL STATEMENT**

1. This is a civil action filed by a former employee of the CAM, that following the general elections of November 6, 2012, and the appointment as Executive Director of Defendant Rafael E. Irizarry-Cuebas (hereinafter “Irizarry-Cuebas”), was dismissed without cause, previous notice or hearing because she was an identified member of the NPP. Plaintiff alleges a violation of her First Amendment and Due Process rights under the Constitution of the United States, as well as under the laws and Constitution of Puerto Rico, and pray equitable relief in the form of reinstatement, and legal relief in the form of economic and punitive damages, pursuant to the Civil Rights Act of 1866, 42 U.S.C. § 1983. As this is a civil action brought pursuant to the laws and Constitution of the United States, this Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331. This Court also has supplemental jurisdiction over all claims arising under of the laws and Constitution of Puerto Rico pursuant to 28 U.S.C. § 1367. Venue is proper under 28 U.S.C. § 1391(b).

## **III. THE PARTIES**

2. Plaintiff in the present action is a citizen of the United States, resident of Puerto Rico, former employee of the CAM and supporter of the NPP.

3. All Defendants know and are aware of Plaintiff’s political affiliation due to her political activism, her vocal identification with the NPP, her work in support of the administration and in furtherance of the reelection of the previous NPP administration, and through common knowledge in the CAM. Plaintiff was appointed to her position at the CAM under the NPP administration.

4. Plaintiff was dismissed and replaced with people affiliated with the PDP.

5. The Plaintiff is **María M. Franco-Soto** (hereinafter “Franco-Soto”), a former Labor Relations Specialist, a career position, and Director of Human Resources and Labor Relations at the CAM, with an excellent performance record. Defendant alleged that she occupied a trust position as justification for her dismissal. However, the Plaintiff also occupied the career position of Labor Relations Specialist and had an absolute right to reinstatement to her career position. As a Labor Relations Specialist, Franco-Soto was not involved in the creation of public policy or with confidential matters. Franco-Soto is an active member of the NPP, was identified as such by Defendants and dismissed from the CAM because of it.

6. Plaintiff was dismissed from her positions on November 3, 2015 shortly after the appointment of Irizarry-Cuebas. Plaintiff was not given any previous notice of her dismissal or a hearing. Defendant Irizarry-Cuebas, who was at the time of the dismissal the nominating authority at the CAM, stated once in front of the Plaintiff that he did not know what to do with her.

7. The Plaintiff did not perform functions involving the shaping or modification of public policy in her career position. As a Labor Relations Specialist, Plaintiff did not perform functions that could influence or be considered in close propinquity to policy making employees or otherwise had access to confidential information.

8. Neither the Defendants nor their agents reviewed or evaluated the Plaintiff's performance prior to the decision to dismiss them.

9. Plaintiff was appointed to her career and trust positions at the CAM by the previous NPP administration.

10. Plaintiff is a well-known activist and supporter of the NPP, was identified with the NPP within the CAM, and worked in the NPP campaign in 2012. Plaintiff's political affiliation was well known at the CAM. Discussion between coworkers at the CAM regarding politics in which they identified with a political party was common. Franco-Soto personally identified herself in

these conversations with coworkers as an NPP supporters, including to coworkers who identified themselves as PDP supporters such as Carlos Bernaldi and Laura Figueroa. Also, the Plaintiff was part of the “Blue Circle” (in Spanish “Círculo Azul”), a fundraising group which consisted of donating to the NPP a set amount each month to be deducted directly from their paychecks. Since the donation was deducted directly from the paycheck, there was evidence of Plaintiff’s affiliation at the CAM. To our information and knowledge, Franco-Soto was the only employee of the CAM who joined the “Blue Circle”.

11. Defendant **Irizarry-Cueba**, is included in his personal and official capacity as Executive Director of the Musical Arts Corporation of Puerto Rico. He has held that position since October 15, 2014, and during all pertinent times to this Complaint. The address of the CAM is P.O. Box 41227, San Juan, P.R. 00940-1227.

12. Defendant **Michel J. Godreau-Robles**, (hereinafter “Godreau-Robles”), is included in his personal and official capacity as President of the Board of Directors of the CAM. He has held that position since June 23, 2014, and during all pertinent times to this Complaint. The address of the CAM is P.O. Box 41227, San Juan, P.R. 00940-1227.

13. Defendants **Miguel Rivera-Trinidad** (hereinafter “Rivera-Trinidad”), is included in his personal and official capacity as the President of Local 555 of the American Federation of Musicians (hereinafter “the AFM”), the union in the CAM. The offices of Local 555 of the AFM are located in Cañada Street #1175, San Juan, P.R. 00920.

14. All Defendants are well-known supporters of the PDP, or in any case do not support the NPP.

15. The **CAM** is a public corporation created by Local Law No. 4 of July 31, 1985, with the purpose of promoting and maximizing the development of musical expression and scenic/musical arts both within and outside of Puerto Rico.

16. Defendants X, Y, and Z are still unidentified insurance companies with coverage for

liability for any Defendant; and Defendants A, B, and C as yet unidentified persons responsible for civil rights violations against Plaintiffs.

#### **IV. STATEMENT OF FACTS**

17. The CAM was created as a public corporation in 1985 pursuant to Local Law No. 4 of July 31, 1985. The purpose of the CAM is to provide administrative services and management support for its subsidiaries and social and musical programs. In essence, it exists to promote the development of musical art and activity in Puerto Rico through its multiple programs. Upon its creation, the CAM was made to incorporate the Casals Festival, the Symphonic Orchestra of Puerto Rico, and the Music Conservatory of Puerto Rico. Subsequently, the Musical-Scenic Arts Corporation and the Symphonic Orchestra of Puerto Rico Corporation were incorporated as subsidiaries of the CAM. The Law also establishes that the CAM will be run by a Board of Directors composed of 9 members to be appointed by the Governor of Puerto Rico and approved by the Senate of Puerto Rico for a 4-year term. The Law also establishes the considerations and parameters for the appointment of members of the Board. By majority vote, the Board is empowered to appoint the executive director of the CAM. The Law also empowers the CAM to sue and be sued independently from the Government of Puerto Rico.

18. On November 6, 2012, Puerto Rico held general elections for all elected positions in government, in both the Executive and legislative branches. To wit, the elections held included governor, resident commissioner, all members of the Senate and House of Representatives, (both at district level and at-large), all 78 mayors and 78 municipal legislatures. Political affiliation is commonly discussed and stated between personnel in government or public sector offices, including the CAM. The political atmosphere described was further aggravated by the election season and the highly contested race for the position of governor. It was customary for employees at the CAM, where the Plaintiff worked at the time, to express their support for their respective parties and candidates in any number of ways, both subtle and not, including

comments, conversations, and even the use of their party's colors in clothing, with PDP supporters using red and white and NPP supporters using blue and white. The political affiliation of most employees at the CAM is commonly known. In particular, Plaintiff was identified with the NPP. Plaintiff was further identified with the NPP because she had been appointed by the NPP administration to the trust position of Director of Human Resources and Labor Relations.

19. The Plaintiff held the career position of Principal Investigator of Employment Norms at the Puerto Rico Labor and Human Resources Department. Plaintiff was a government employee with over 25 years' experience in the public sector without a single blemish on her file. On February 1, 2011, Franco-Soto took a leave without pay from the Labor Department to assume a trust position at the CAM as the Human Resources and Labor Relations Director. The Plaintiff was then transferred to a career position at the CAM as Labor Relations Specialist, including the right to be reinstated to that position upon conclusion of her trust appointment. Effective February 4, 2013, the Plaintiff was reinstated to her career position at the CAM with a salary of \$4,500.00. On February 6, 2013, the Plaintiff was appointed on an interim basis to the position of Human Resources and Labor Relations Director.

20. Plaintiff's political affiliation was well known at the CAM. Discussion between coworkers at the CAM regarding politics in which they identified with a political party was common. Franco-Soto personally identified herself in these conversations with coworkers as an NPP supporters, including to coworkers who identified themselves as PDP supporters such as Carlos Bernaldi and Laura Figueroa. Also, the Plaintiff was part of the "Blue Circle" (in Spanish "Círculo Azul"), a fundraising group which consisted of donating to the NPP a set amount each month to be deducted directly from their paychecks. Since the donation was deducted directly from the paycheck, there was evidence of Plaintiff's affiliation at the CAM. To our information and knowledge, Franco-Soto was the only employee of the CAM who joined



the “Blue Circle”.

21. The results of the 2012 general elections rendered a victory for the PDP across Puerto Rico. The PDP won the governorship; a majority of 18 seats in the Senate, including 6 senators at-large and 12 district senators, to the NPP’s 8 seats and the Puerto Rican Independence Party’s 1 seat; a PDP majority of 28 seats in the House of Representatives, including 6 at-large and 22 district representatives, to the NPP’s 23 seats; and most of the municipal races for mayor and assemblies. The new administration was sworn in on January of 2013.

22. In February of 2014, the Executive Director of the CAM, Melissa M. Santana, resigned from the CAM and was replaced on an interim basis by Geralis Colón-León.

23. Since the positions of the CAM Board are for a fixed term, the changes in the central government from an NPP administration to a PDP one did not immediately translate to changes in the composition of the Board. The Board’s members at that time had predominantly been nominated by the previous Governor, Hon. Luis Fortuño, and confirmed by the previous session of the Senate, both of which were associated with the NPP. It was not until early 2014 that the Governor of Puerto Rico, Hon. Alejandro García-Padilla, who had ran under the PDP ticket, could make his appointments and affect the composition of the Board. In early 2014, the Governor nominated Godreau-Robles to his position in the CAM Board. On June 23, 2014, the Senate, with a majority composed of officials elected from the PDP ticket, confirmed Godreau-Robles to his position in the Board.

24. Defendant Godreau-Robles was a supporter of the PDP candidate for governor, Hon. Alejandro García-Padilla, is a close personal friend of the Governor’s brother, and in any case is not a supporter of the NPP.

25. Since taking office in the Board in August of 2014, Defendant Godreau-Robles acted to intervene in the day-to-day administration of the CAM by undermining the authority of the acting Executive Director at that time, Geralis Colón-León, who had substituted on an interim



basis the previous Executive Director, Melissa M. Santana. Both Santana and Colón-León had been appointed under the NPP administration. Defendant Godreau-Robles directed his efforts at diminishing the authority of the personnel appointed by the NPP in the CAM by intervening in administrative decisions made by Santana, giving contradictory instructions and removing her authority at the CAM.

26. On August 22, 2014, the new Board met and without authority discussed the disciplinary proceedings of a CAM employee who worked under the supervision of the Plaintiff. As acting Human Resources and Labor Relations Director and as the employee's supervisor, the Plaintiff was in charge of these proceedings. Internal disciplinary proceedings are strictly an administrative issue, not under the purview of the Board. However, Defendant Godreau-Robles ordered the acting Executive Director to stop the disciplinary actions against the employee and that he no longer be supervised by the Plaintiff, hence undermining the Plaintiff.

27. On that Board meeting, the Defendant Godreau-Robles also proposed that new legal representation be contracted specifically for the Board. On October 2, 2014, Plaintiff found a record of the new Board legal representation investigating and researching the Plaintiff in social media. When the Plaintiff asked the acting Executive Director and the Finance Director of the Cam whether they had been investigated by the new lawyers, they answered that they had not and were surprised.

28. Immediately after the inauguration of Defendant Godreau-Robles, personnel in the CAM affiliated with the PDP began telling the Plaintiff that the new Board would "clean house" (in Spanish "limpiar la casa"), and dismiss all personnel affiliated with the NPP. One employee affiliated to the PDP, Carlos Bernaldi, told Franco-Soto that she would be sent to the basement.

29. At that time, Defendant Rivera-Trinidad also began a campaign to discredit the Plaintiff with anybody in a position to affect her employment, including Governor García-Padilla and his family. Employees of the CAM would inform the Plaintiff of Rivera-Trinidad's efforts to have

her removed because she was an NPP supporter, and told her that he was lobbying to that effect, including to the Governor and his staff.

30. On October 15, 2014, the Board of the CAM appointed Defendant Irizarry-Cuebas to the position of Executive Director of the CAM. Defendant Irizarry-Cuebas had been recommended for the position by Defendants Godreau-Robles and Rivera-Trinidad.

31. Defendant Irizarry-Cuebas was a supporter of the PDP candidate for governor, Hon. Alejandro García-Padilla, is a close personal friend of the Governor's brother, and in any case is not a supporter of the NPP.

32. As early as his first day at the CAM, October 15, 2014, Defendant Irizarry-Cuebas demonstrated a hostile and discriminatory attitude towards the Plaintiff. In his first meeting with the management staff of the CAM, including the Plaintiff, Irizarry-Cuebas told them that he did not know what to do with them referring to whether he could remove them or not. Plaintiff Franco-Soto told him that only of the management staff held a trust appointment, all the others including herself occupied their positions on an interim capacity.

33. In a personal meeting later that day, Defendant Irizarry-Cuebas asked the Plaintiff for documents and information regarding personnel transactions in a hostile manner. This information was promptly given. Plaintiff Franco-Soto told him her interim position was at his disposal and that she could return to her career position at his command, but he did not give her any instructions on that issue.

34. The Plaintiff also informed him that there was a situation with an employee and a disciplinary procedure which Defendant Godreau-Robles had improperly intervened in, and he asked for additional information on that case. On October 16 and 17, the Plaintiff emailed Defendant Irizarry-Cuebas with the information he had requested but received no additional comments or instructions.

35. Also on October 15, 2014, the Plaintiff sent a letter to the Office of the Comptroller of

Puerto Rico requesting an investigation into the inappropriate and *ultra vires* intervention by Defendant Godreau-Robles into the disciplinary proceedings at the CAM.

36. All the while, Defendant Irizarry-Cuebas would walk by the Plaintiff's office without as much as a "good morning". As acting Human Resources and Labor Relations Director of the CAM, it was Plaintiff's task to prepare for Irizarry-Cuebas all of the recruitment and benefits paperwork. However, Defendant Irizarry-Cuebas took those tasks from the Plaintiff and assigned them to her subordinate.

37. The Plaintiff was out of the CAM offices from October 21 to 23, 2014, on previously scheduled official business. When she returned to her office, she found that her authorization and access to the Puerto Rico Office of Management and Budget (hereinafter "the OMB"), database and system had been removed. This access was necessary for the Plaintiff, as Human Resources and Labor Relations Director, to perform her duties since previous authorization from the OMB was required in any number of personnel transactions. The Plaintiff found that this access to the OMB had been given by Defendant Irizarry-Cuebas to one of her subordinates. In response to this, Franco-Soto sent Defendant Irizarry-Cuebas an email asking whether she had been relieved from the interim position of Human Resources and Labor Relations Director. The Defendant did not immediately respond, but later again told the Plaintiff that he did not know what he was going to do with her. The Plaintiff responded that she did not understand the uncertainty as to her future since she held a career position as a Labor Relations Specialist at the CAM. On October 27, Defendant Irizarry-Cuebas called the Plaintiff to his office where he asked her what she meant by a career position in the CAM. The Plaintiff then requested an audience with Defendant Godreau-Robles, but was refused.

38. Also on October 27, 2014, the Plaintiff requested a reasonable accommodation in the form of a change in her work hours. This request was aimed at addressing the heightened stressful and tense working atmosphere she felt, which in turn provoked her great anxiety and

depression, as a result of the discrimination she was enduring where she was told by CAM personnel that she would be transferred to the basement because of her political affiliation and that the new administration would clean house and remove her altogether.

39. On October 31, 2014, Defendant Irizarry-Cuebas met with Tania Delgado, Under-Secretary of the Puerto Rico Labor and Human Resources Department, and Nilma Maldonado, Assistant Secretary for Human Resources of the Puerto Rico Labor and Human Resources Department to request information regarding the Plaintiff's transfer from the Labor Department to the CAM. This was an effort by Defendant Irizarry-Cuebas to fabricate grounds for the Plaintiff's dismissal from the CAM.

40. Upon hearing of this meeting, Franco-Soto sent Defendant Irizarry-Cuebas an email explaining that she was duly transferred to the CAM with a career position and that she was facing hostile, discriminatory and retaliatory treatment because of her political affiliation and because of how she informed him that Defendant Godreau-Robles had improperly intervened in a disciplinary procedure.

41. On November 3, 2014, the Plaintiff was informed of her dismissal from the CAM. The Plaintiff was never given prior notice or a hearing and was denied her right to be reinstated to the career position she held within the CAM. In the dismissal letter, Defendant Irizarry-Cuebas alleged he had given all of the personnel at the CAM an opportunity to demonstrate their ability to carry out their duties and that he had no trust for the Plaintiff. Given that Plaintiff's interim position as Acting Director of Human Resources at the CAM was a trust position, Defendant Irizarry-Cuebas removed her from that position effective immediately. Also, Defendant Irizarry-Cuebas alleged that a decision not to reinstate the Plaintiff had been previously made and the CAM sustained that decision. It is important to note that no previous hearing was held at the CAM to discuss Plaintiff's right to reinstatement.

42. Defendant Irizarry-Cuebas' expression that he did not have any trust for the Plaintiff

indicates that he knew of Plaintiff's political affiliation. It is impossible for a new executive director to properly evaluate an employee's performance in only 2 weeks, which is how much time passed between the appointment of Defendant Irizarry-Cuebas and the dismissal of the Plaintiff. This, as well as the comments made at the CAM concerning Plaintiff's job security and political affiliation establishes the political discriminatory *animus* behind the dismissal, without due process and/or reinstatement, of the Plaintiff.

43. Prior to her dismissal, Franco-Soto had always received the highest marks in her performance reviews at both the Labor Department of Puerto Rico and the CAM.

44. The position previously held by the Plaintiff has since been occupied by Mrs. Sheyla Méndez-Román, a close friend of Defendant Godreau-Robles.

45. Plaintiff Franco-Soto worked as an active participant, in her spare time, in the NPP campaign in 2012, taking part in marches, caravans, rallies and meetings, and has been a lifelong supporter of the NPP. Her political affiliation is well known to Defendants, as evidenced by the comments made by CAM personnel including Defendants, her involvement in the "Blue Circle", her own statements, and by the lack of trust expressed by Defendant Irizarry-Cuebas. Moreover, Defendant Irizarry-Cuebas repeatedly told the Plaintiff that "he did not know what to do with her."

46. Prior to her dismissal, had been consistent in fulfilling her duties at the CAM with excellence. Defendants did not evaluate Plaintiff Franco-Soto's job performance at the CAM.

47. Plaintiff Franco-Soto has suffered economic and emotional damages at the hands of Defendants. Having lost her job because of her political affiliation, Plaintiff Franco-Soto was left without the means to meet her economic obligations, sustain her family, has suffered damages to her credit rating, the situation has provoked a flare up of her lupus condition, and she has not been able to find new employment. Defendants have even gone as far as frozen the severance payment that is due and is the Plaintiff's right and have requested other government

agencies to investigate the Plaintiff's appointment and performance in an effort to fabricate a basis for her illegal and discriminatory dismissal. Moreover, Defendants have refused to give the Plaintiff positive references, hampering her efforts to find new employment. This has caused in turn great anxiety, depression, loss of motivation, problems paying her debts and costs of living, and the like.

**V. FIRST CAUSE OF ACTION – VIOLATIONS TO FIRST AMENDMENT  
RIGHTS UNDER THE CONSTITUTION OF THE UNITED STATES**

48. All previous factual allegations are incorporated heretofore.

49. The First Amendment of the Constitution of the United States establishes the right of all citizens to freedom of speech, freedom of expression, freedom of assembly and petition to the Government for redress.

50. Black letter law and jurisprudence has long established that government bodies and/or officials, including public corporations and their officials, cannot take adverse employment actions against employees on the basis of political affiliation. Likewise, the First Amendment protects citizens from suffering adverse employment consequences under color of state law in retaliation for engaging in political activity.

51. Also, the First Amendment prohibits adverse employment actions in retaliation for protected speech by a public employee.

52. It is clear from the evidence that the Plaintiff's First Amendment speech and activities were the motivating factor in the adverse employment actions complained of herein. By subjecting the Plaintiff to adverse employment actions and/or retaliating against them on the basis of political affiliation, and/or for engaging in political activity, Defendants deprived Plaintiffs of their First Amendment Rights.

**VI. SECOND CAUSE OF ACTION – VIOLATIONS TO DUE PROCESS RIGHTS  
UNDER THE CONSTITUTION OF THE UNITED STATES**



53. All previous factual allegations are incorporated heretofore.

54. The Due Process Clause of the Constitution of the United States requires notice and an opportunity to be heard when the state seeks to deprive a person of a property interest.

55. Plaintiff in the case before us held the career position of Labor Relations Specialist at the CAM with a reasonable expectation of continued employment and was entitled to reinstatement to that position upon her removal from the position of Human Resources and Labor Relations Director. Plaintiff held a position that was not time-limited, she did not partake in the formulation of public policy nor did they have unfettered access to confidential government information. The career position occupied by Plaintiffs was not subject to public policy and/or political or partisan affiliation consideration. Plaintiff had a proprietary right over her employment and a reasonable expectation of continued employment.

56. Defendants summarily dismissed the Plaintiff without cause, without reinstatement, without a prior hearing, without an informal hearing shortly thereafter, and/or without any formal procedure or hearing. Also, Plaintiff was terminated without adequate prior notice, much less a valid explanation of the reasons for the termination and/or refusal to reinstate to her career position. Plaintiff's job performance was not reviewed by Defendants prior to her termination and previous reviews had been consistently favorable. Plaintiffs were not afforded a real opportunity to be heard before the decision to dismiss her and refuse reinstatement was made. Defendants acted with intent to deprive the Plaintiff of her Due Process rights.

57. As a result, Defendants deprived Plaintiff of the rights afforded by the Due Process Clauses of the Fourteenth Amendments to the Constitution of the United States.

## **VII. THIRD CAUSE OF ACTION – INJUNCTIVE RELIEF**

58. All previous factual allegations are incorporated heretofore.

59. The allegations set forth herein establish a clear case of political discrimination incurred by Defendants against the Plaintiff. Defendants in their official capacity are liable for injunctive

relief. To wit, Plaintiff respectfully avers that she is entitled to reinstatement to her career position of Labor Relations Specialist within the CAM, any and all salaries she would have received in that position, and to any other injunctive relief this Honorable Court deems adequate.

#### **VIII. FOURTH CAUSE OF ACTION – TORT ACTION UNDER PUERTO RICO**

##### **LOCAL LAW**

60. All previous factual allegations are incorporated heretofore.

61. Defendants' actions also constitute a violation of Plaintiff's rights secured by Article II, Sections 1, 2, 4, 6 and 7 of the Puerto Rico Constitution.

62. Defendants' actions also constitute violations of Puerto Rico's Public Service Personnel laws; Law No. 131 of May 13, 1943, P.R. Laws Ann., Tit. 1, § 13-19; Puerto Rico's Local Law 100; and Articles 1802 and 1803 of the Civil Code, § 5141-5142 of Title 31.

#### **IX. JURY TRIAL**

63. All previous factual allegations are incorporated heretofore.

64. Plaintiffs request a jury trial.

#### **X. PRAYER FOR RELIEF**

65. All previous factual allegations are incorporated heretofore.

66. Wherefore, Plaintiff requests the following relief, jointly and severally against all Defendants:

- a. That this Court determine and declare that the actions by all Defendants were in violation of the Constitution and laws of the United States and of Puerto Rico;
- b. Compensatory and punitive damages in excess of \$2,000,000.00, said request for compensation is made up of the following amounts:
  - i. An amount in excess of \$1,500,000.00 for Plaintiff, in compensatory damages;
  - ii. Punitive damages in excess of \$500,000.00 for Plaintiff, due to the



malicious and wanton nature of the violations alleged herein.

- c. Equitable relief in the form of a permanent injunction ordering Defendants to reinstate the Plaintiff to her position of Labor Relations Specialist within the CAM, with all corresponding privileges and benefits, and ordering Defendants to refrain from further engaging in adverse employment action on the basis of political affiliations and beliefs.
- d. Attorneys' fees, costs and litigation expenses incurred in connection to this action pursuant to, inter alia, 42 U.S.C. § 1988, and other applicable statutes.
- e. All applicable interests, including pre- and post- judgment interest.
- f. That the Court retain jurisdiction over this action in order to ensure compliance with any decree issued;
- g. Any such other and further relief as the Court may deem just and proper.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this October 19, 2015.

s/Francisco J. González-Magaz  
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